

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is amended. Claims 30 and 32-24 were canceled previously. Claims 1-29 and 31 are now pending in this application.

Objection to the Abstract

On page 2 of the Office Action, the Abstract is objected to. The Examiner suggests deleting the word “said” from the Abstract. Applicant has amended the Abstract and respectfully requests withdrawal of the objection.

Objections to the Claims

On page 2 of the Office Action, claims 1-9 are objected to for informalities. The Examiner suggests changing “first set of” in claim 1 to “first set of bits.” Applicant has amended claim 1 and respectfully requests withdrawal of the objection.

Rejections under 35 U.S.C. 112

On page 3 of the Office Action, claims 29 and 31 are rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner states:

... after reviewing the specification (see page 6, lines 9-13), the specification discloses a computer program, however, the computer program is not implemented in a computer-readable medium as recited in the claims.

Applicant respectfully disagrees. First, the MPEP makes clear that “[i]t is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.” (MPEP 2163.) The originally filed claims in the present application provide support that the computer program is implemented in a computer readable medium. See, for example, original claims 29 and 31 which are directed to “a computer program executable in a communication device.” If the computer program is “executable,” it must be implemented in a computer *readable* medium.

Second, Applicant also respectfully submits that the specification provides support that the computer program is implemented in a computer readable medium. For example, paragraph [0048] indicates that the transceiver 12 can be a desktop or laptop computer. “Data that is

transmitted in downlink may be for example data files, such as digital photographs, to be stored or processed in the (desktop or laptop) computer." (Para. [0048].) A person of skill in the art would recognize that a desktop or laptop computer having a computer program would have the computer program implemented in a computer readable medium.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the rejection.

Allowable Subject Matter

The Examiner notes Claims 1-28 as allowable over prior art references.

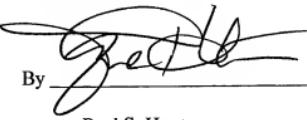
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By


Paul S. Hunter
Attorney for Applicant
Registration No. 44,787

Date April 20, 2009

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258